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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,969	10/05/1999	JENNIE CHING	BC9-99-024	1335

23334 7590 03/31/2003

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EXAMINER	
CHUNG, JASON J	
ART UNIT	PAPER NUMBER
2611	7

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/412,969	CHING ET AL.	
	Examiner	Art Unit	
	Jason J. Chung	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 7, 9, 11, 14-16, 18, 20-22, 24, 26, 28, 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis.

Regarding claims 1 and 9, Abecassis discloses RAViT (viewer information processing system with an interface for display) is a fully integrated viewing/computing video system (column 12, lines 12-19). Abecassis discloses the RAViT has communications interface (receiver) (column 19, lines 9-19). Abecassis discloses video program providers 700 (column 19, lines 31-39). Abecassis discloses video program provider comprises of random access memory devices 701, communications linkages 702 processing hardware software, and hardware/software 703. The hardware/software 703 retrieves from subscriber video system a subscriber's video content preferences and automatically selects for each subscriber a variable

content program/program segment map **and**/or segments (multimedia segments), from a program base comprising a plurality of variable content programs and corresponding program segment maps. The video program provider system has a plurality of content programs and a plurality of program segment maps each defining segments of a corresponding video program for retrieving from (column 19, lines 54-67 and column 20, lines 1-9; figure 7). Abecassis discloses the subscriber 721 requests one or more programs from the video provider 700, the entire program with segments is provided over a fiber optic network. The program provided to the subscriber in the form that results from the execution of the viewer's video content preferences seamlessly in real time or non real time (column 20, lines 10-20). As previously stated, the selection of content (which can be segments) is done automatically based on subscriber preferences and the sequence of segments over the network is presented to the subscriber seamlessly in real time or non real time. The program segment automatically selected (column 19, lines 61-67) inherently has an indicator (instructions) indicating the start of the first segment and indicating for transmission of the first segment to begin and end, indicators (instructions) indicating when transmission of the second segment to begin and end, and so on with the following segments (reads on the claimed "receiving a playlist with a list of instructions for rendering the multimedia segments") to form a seemless sequence of segments (multimedia presentation) to the RAViT (rendering for viewing) in order to splice the segments for seemless viewing (column 20, lines 10-20). After the segments are timestamped with indicators, the playlist retrieves each of the appropriate segments to be transmitted (receiving from the program provider the multimedia segments required by the playlist). The subscriber receives the seemless program (multimedia presentation) with the indicators (instructions) indicating the starting and ending points (reads on playlist instructing

when to render the segments in order to make a seemless presentation of segments) of the program segments (column 20, lines 10-20).

Regarding claim 3, Abecassis discloses with video on demand and video networks, there can be fiber optic (broadcast infrastructure) (column 19, lines 19-30).

Regarding claim 4, Abecassis discloses participants decide to serve as a video program provider 700 equivalent to RAViT device previously detailed (column 19, lines 40-53). Abecassis discloses a RAVit comprises of different memory such as a fixed memory subsystem 503 (computer readable storage medium) (column 11, lines 10-29); the participant who is serving as the video program provider 700 provides the segments to subscribers 721/722/733.

Regarding claim 5, Abecassis discloses RAViT retrieves full motion video from a network based service provider. A B-ISDN (telecommunications network) interface, an internal or external modem provides RAViT communications capabilities (column 19, lines 9-19).

Regarding claim 7, Abecassis discloses RAViT comprises a video input/output module 506 (column 11, lines 10-22). Abecassis discloses the video input/output module transmits to video display system such as a television (column 12, lines 19-29).

Regarding claim 11, the limitations in claim 11 have been met in claim 1 rejection.

Regarding claim 14, the limitations in claim 14 have been covered in claim 4 rejections.

Regarding claim 15, Abecassis discloses RAViT retrieves full motion video from a network based service provider. A B-ISDN interface, a communications line such as a coaxial cable (cable network) provides RAViT communications capabilities (column 19, lines 9-19).

Regarding claim 16, the limitations in claim 16 have been met in claim 5 rejection.

Regarding claims 18 and 26, the limitations in claims 18 and 26 have been met in claims 1 and 9 rejections.

Regarding claim 20, the limitations in claim 20 have been met in claim 3 rejection.

Regarding claim 21, the limitations in claim 21 have been met in claim 4 rejection.

Regarding claim 22, the limitations in claim 22 have been met in claim 5 rejection.

Regarding claim 24, the limitations in claim 24 have been met in claim 7 rejection.

Regarding claim 28, the limitations in claim 28 have been met in claim 1 rejection.

Regarding claim 30, the limitations in claim 30 have been met in claim 3 rejection.

Regarding claim 31, the limitations in claim 31 have been met in claim 4 rejection.

Regarding claim 32, the limitations in claim 32 have been met in claim 5 rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 19, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis.

Regarding claim 2, Abecassis fails to disclose storing files prior to presenting the segments. Seidman discloses a method wherein a set top-box, which receives multimedia broadcasts (column 6, lines 23-25). The set-top box connects to a computer and the computer stores and retrieves large files (viewer information processing system receiving at least one

multimedia segment prior to the presentation being displayed, and stores at least one multimedia segment). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abecassis to have segments stored prior to presentation of display as taught by Seidman in order to retrieve large files at a later time to present to the viewer in non real time.

Regarding claim 19, the limitations in claim 19 have been met in claim 2 rejection.

Regarding claim 29, the limitations in claim 29 have been met in claim 2 rejection.

Claims 6, 10, 13, 17, 23, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Logan.

Regarding claim 6, Abecassis discloses RAViT retrieves full motion video from a network based service provider. A B-ISDN (telecommunications network) interface, an internal or external modem provides RAViT communications capabilities (column 19, lines 9-19).

Abecassis fails to disclose the modem connects to an Internet. Logan discloses a modem connected to an Internet (figure 1), program segments are downloaded to the user in a scheduled session file (playlist) and issues download requests for the program segments (column 5, lines 63-67 and column 6, lines 1-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abecassis to connect a modem to the Internet as taught by Logan in order to receive program segments over the Internet.

Regarding claim 10, Abecassis fails to disclose receiving the playlist from the program provider based on demographics of the viewer. Logan discloses the host server 307 receives the user selection and the host prepares a schedule table 307 (playlist) containing program segment selected entirely by the host on the subscriber's behalf (column 17, lines 23-41). Logan discloses the subscriber record is matched with the program segment records and an advertiser

uses a demographic match function (column 23, lines 62-67 and column 24, lines 1-5). Logan discloses the advertising program segments are inserted into schedule table 307 (playlist) (column 24, lines 38-51); the program schedule table (playlist) has advertisements inserted within based on the subscriber's demographics and therefore meets the limitation on receiving a playlist based on demographics of the viewer. Logan discloses advertisements scheduled for a subscriber are prioritized based on calculating weight assigned to each ad by matching algorithms which compare characteristics of subscriber with the makeup of the target audience (grouping one or more clients based on makeup of demographics; stated in claim 13) defined by the fields (column 25, lines 52-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abecassis to have transmit the playlist based on demographics as taught by Logan so viewer can watch advertisements based on their interests.

Regarding claim 13, the limitations in claim 13 have been met in claim 10 rejection.

Regarding claim 17, the limitations in claim 17 have been met in claim 6 rejection.

Regarding claim 23, the limitations in claim 23 have been met in claim 6 rejection.

Regarding claim 27, the limitations in claim 27 have been met in claim 10 rejection.

Regarding claim 33, the limitations in claim 33 have been met in claim 6 rejection.

Claims 8, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Balakrishnan.

Regarding claim 8, Abecassis fails to disclose receiving segments of advertisements. Balakrishnan discloses different commercials transmitted over a broadcast channel as a multiplexed stream of packets (segments) of compressed multimedia content corresponding to different commercials (column 3, lines 57-65). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Abecassis to receive segments in the form of different commercials as taught by Balakrishnan in order to present a variety of commercials to the user in a multiplexed stream.

Regarding claim 25, the limitations in claim 25 have been met in claim 8 rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

JJC
March 24, 2003

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600